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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,491	06/22/2001	Mototsugu Abe	09792909-5051	7720

26263 7590 09/07/2006

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/887,491	<b>Applicant(s)</b> ABE ET AL.	
	<b>Examiner</b> Justin E. Shepard	<b>Art Unit</b> 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/10/2006 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 7-9, 16-20, 22-24, 26-28, and 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolzien in view of Moon in further view of Dureau.

Referring to claim 1, *Wolzien* discloses a system which provides direct automated access to online information via a URL embedded within the audiovisual

signal. More specifically, *Wolzien* discloses a transmission means (i.e., public/private network connected via transmission line), detailed information furnishing means (i.e., online info providers), access site information furnishing means (i.e., network), means for detecting pre-set signal (i.e., embedded signal), and a means for connecting to and acquiring the access site information. (Abstract ; Col. 1, Ln. 5-11 ; Col. 2, LN. 59-67 thru Col. 3, Ln. 1-15 & 24-49 ; Col. 4, Ln. 63-Col. 5, Ln. 67; Col. 7, Ln. 22-67 thru Col. 8, Ln. 1-5 ; Figure 1).

Although *Wolzien* does disclose the embedded signal could be located within a commercial message, he does not specifically teach the system can detect the commercial itself. However, at the time of Applicant's invention, the detection of commercial messages in broadcast communications was notoriously well-known as evidenced by *Moon et al.* (Abstract; Col. 1, Ln. 7-12 & 45-50; Col. 2, Ln. 57-Col. 3, Ln. 17). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to combine the systems of *Wolzien* and *Moon*, thereby providing a more efficient method of supplying direct automated access to online data provided in commercial messages.

*Wolzien* and *Moon* do not disclose a means for determining whether access site information corresponding to said detailed information furnishing means has been registered, and for furnishing said access site information if said access site information has been registered.

Dureau discloses a means for determining whether access site information corresponding to said detailed information furnishing means has been registered, and

for furnishing said access site information if said access site information has been registered (column 6, lines 26-34).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the site verification taught by Dureau to the system disclosed by Wolzien and Moon. The motivation would have been to make sure that the content is authentic (column 2, lines 20-21).

Claims 5, 16, 20, 24, 32, and 35 correspond to claim 1. Thus, each is analyzed and rejected as previously discussed.

As to claim 3, *Wolzien* further teaches the pre-set signal can be embedded within a commercial message. (Abstract & Col. 1, Ln. 45-50). Accordingly, the combined systems of *Wolzien*, *Moon*, and *Dureau* disclose all limitations of claim 3.

Claims 8, 18, 22, 27, 33, and 37 correspond to the system claim 3. Thus, each is analyzed and rejected as previously discussed.

As to claim 4, *Wolzien* further teaches the access site information can be a URL. (Abstract & Col. 1, Ln. 5-11). Although not explicitly discussed, *Wolzien* teaches the provision of online information via an address (i.e., URL address). Thus, it is inherently disclosed. Accordingly, the combined systems of *Wolzien*, *Moon*, and *Dureau* disclose all limitations of claim 4.

Claims 9, 19, 23, 28, 34, and 38 correspond to the system claim 4. Thus, it is analyzed and rejected as previously discussed.

As to Claim 7, *Wolzien* further teaches the use of a storage means for storing the URL addresses. (Col. 3, Ln. 50-57 ; Col. 5, Ln. 42-67 thru Col. 6, Ln. 1-7). But, *Wolzien* fails to disclose the remaining limitations of claim 7. However, the Examiner takes Official Notice that, at the time of Applicant's invention, it was notoriously well-known in this art to allow users to browse commercial messages. (as evidenced by *Hendricks et al*, US Pat. No. 5,600,364 at Col. 16, Ln. 23-25). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify the combined systems of *Wolzien*, *Moon*, and *Dureau* with the teachings of *Hendricks* in order to provide a multimedia system which also allows the user to view commercials at his or her convenience.

Claims 17, 26, and 36 correspond to the system claim 7. Thus, each is analyzed and rejected as previously discussed.

Claims 2, 6, 10-15, 21, 25, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wolzien* in view of *Moon* in view of *Dureau* as applied to claim 1 above, and further in view of *Matthews*.

Claim 2 recites the system of Claim 1, further comprising limitations which will not be recited here, however each limitation will be addressed. (refer to claim sheet). As discussed above, the combined systems of *Wolzien*, *Moon*, and *Dureau* disclose all limitations of claim 1, but fail to specifically recite the limitations of claim 2. However, within the same field of endeavor, *Matthews* discloses a similar system in which an

Electronic Programming Guide detects the signal transmission time and channel via a connection to an enhanced content and media server. (Abstract ; Col. 4, Ln. 27-65 ; Col. 7, Ln. 9-41 ; Col. 9, Ln. 56-67 thru Col. 10, Ln. 1-13 ; Figures 1-3 & 5). Accordingly, it would have been obvious to one of ordinary skill in this art at the time of applicant's invention to combine the systems of *Wolzien*, *Moon*, and *Matthews* in order to provide a system wherein the user could readily identify supplemental information related to audiovisual signals and access that same information automatically, without the need to move to a separate computer terminal.

Claims 6, 21, and 25 correspond to claim 2. Thus, each is analyzed and rejected accordingly.

Claim 10 recites an information processing apparatus comprising limitations too numerous to recite herein. (please refer to claim sheet). The limitations of claim 10 are only combinations of limitations from claim 1, 2, and 7. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to further modify the combined systems of *Wolzien*, *Moon*, and *Matthews* with the teaching of *Hendricks* (taken from Claim 7's Official Notice) in order to provide a multimedia system which also allows the user to view commercials at his or her convenience.

The limitations of claims 11 and 12 correspond to those recited in claims 3 and 4, respectively. Accordingly, each is analyzed and rejected accordingly.

The limitations of claim 13 are combinations of limitations from claims 1 and 2. Thus, it is analyzed and rejected as previously discussed.

Claims 14 and 15 correspond to claims 3 and 4, respectively. Thus, each is analyzed and rejected as previously discussed.

Claim 29 recites limitations which are combinations of claims 1 and 2. Thus, it is analyzed and rejected as previously discussed.

Claims 30 and 31 corresponds to claims 3 and 4, respectively. Thus, each is analyzed and rejected as previously discussed.

Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolzien in view of Moon in view of Dureau as applied to claim 1 above, and further in view of Goldschmidt.

Claim 39 recites the system of Claim 1, wherein the detecting section detects said commercial message from said transmission signal sent based on at least one transmission property of said commercial message. As discussed above, the combined systems of *Wolzien*, *Moon*, and *Dureau* disclose all limitations of Claim 1, but fail to disclose those of Claim 39. However, within the same field of endeavor, *Goldschmidt* discloses a similar system which identifies commercial messages based upon the sound volume. (Col. 5, Ln. 27-49). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify the combined system of *Wolzien*, *Moon*, and *Dureau* with the teaching of *Goldschmidt* in order to provide an alternative method of identifying commercial messages.



Claim 40 is encompassed within the rejection of Claim 39. Thus, it is analyzed and rejected as previously discussed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

  
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PRIMARY EXAMINER